

Investigators

**CAN be a Title IX Coordinator
CANNOT be a Decision-Maker**

Decision-Makers

Written Determination

- Cannot be:
 - Title IX Coordinator
 - Investigator (for this complaint)
 - Appellant decision maker (for this complaint)
- Serve impartially
- Allow AT LEAST 10 days after Complainant and Respondent receive the investigation report
 - Receive any written responses regarding the investigative report
 - Allow for additional questions to be asked of any party/witness
 - Must determine relevance and only allow relevant questions
 - Provide additional time for responses and follow ups to additional questions
- Write written determination
 - Identify each allegation
 - Describe procedural steps taken
 - Finding of fact supporting the determination
 - Conclusion regarding the application of the code of conduct to the facts
 - Statement and rationale for the result of each allegation
 - Procedures and permissible bases for complainant and respondent to appeal
- Provide written determination to complainant and respondent simultaneously

Written Decision in an Appeal

- Cannot be:
 - Title IX Coordinator
 - Investigator (for this complaint)
 - Written Determination decision maker (for this complaint)
- Serve impartially
- Receive the appeal
- Provide other party a copy of the appeal for review
- Provide time for the other party to respond to the appeal
- Consider reason for appeal and response from other party (if any)
- Provide results of appeal to complainant and respondent simultaneously

Must receive same training as Title IX Coordinator, plus be trained on:

- Issues of relevance in relation to :
 - Evidence
 - Questions
- If the recipient is providing hearing:
 - Technology used in hearings

Conduct the Investigation

- Serve impartially
- Gather all evidence
- Make a plan of who to interview and in what order
- Provide written notice to all parties
 - Investigation interviews or meetings they are invited/expected to participate in
 - Include: date, time, location, participants, and purpose
- Conduct interviews
- Organize evidence, including interview notes
- Make all evidence that is RELATED to the allegation available for inspection
 - By both complainant and respondent
 - their advisors, if any
 - AT LEAST 10 days prior to completing the investigative report
- Consider any written responses regarding evidence and evidence relevant from complainant or respondent
- Create an investigative report
 - All RELEVANT evidence
 - Provide to Complainant and Respondent simultaneous via electronic or hard copy
 - Provide to decision maker

Must receive same training as Title IX Coordinator, plus be trained on:

- Issues of relevance in relation to evidence

Informal Resolution Facilitators

Only necessary if the recipient is offering informal resolutions

Facilitate Informal Resolution Process

- Serve impartially
- Ensure voluntary participation of both parties
- Create agreement and secure signatures of both parties
- Recipient may choose to call as a witness in future investigations if stated in informal resolution notification

Must receive same training as Title IX Coordinator, plus be trained on:

- How to facilitate informal resolutions

TITLE IX
SEXUAL HARASSMENT

PERSONNEL TEAM

* Recipient=District or Charter School



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Title IX Coordinator

and Assistant/Deputy Title IX Coordinators

* Recipient=District or Charter School

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COORDINATE

Recipient's efforts to comply with Title IX Responsibilities

- Must be an employee of the recipient
- Be pro-active in implementing the intent, not merely the rules, of Title IX in recipient's education program
- Serve impartially
- Oversee training of the Title IX Personnel Team
 - Including coordinating Assistant/Deputy Title IX Coordinators
- Respond to all actual knowledge of Title IX sexual harassment
- Begin an investigation into every formal complaint filed
 - Ensure complainant and respondent are treated equitably
 - Complete the Notice of Allegations and present to both the complainant and the respondent
 - Complete a new Notice of Allegations if additional allegations are discovered and considered in the investigation
 - Assign roles when a formal complaint has been filed
 - Maintain regular communication with complainant and respondent on the status of the investigation
- Ensure proper recording of:
 - Each investigation
 - Determination
 - Audio/Visual records (hearings, if offered)
 - Sanctions
 - Remedies
 - Appeals and results
 - Informal resolutions and results
 - All responses to actual knowledge
 - Basis for concluding the recipient was not deliberately indifferent
 - Measures taken to restore or preserve equal access
 - What supportive measures were given
 - Or reasons for not providing supportive measures
 - Training material(s)
 - Must be posted on the website.
 - If there is no website, they must be available to the public

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SHOULD BE "AUTHORIZED"

by the recipient to do their job

- Must have institutional authority that results in changes and decisions that impact the recipient
 - Assistant/Deputy reports to Lead, but still "authorized"

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RESPONSIBLE

for effective implementation of supportive measures, remedies, and disciplinary sanctions

- Supportive Measures
 - OFFERED to all complainants whether or not a formal complaint is filed
 - AVAILABLE to complainants & respondents throughout the process
 - May NOT be disciplinary or punitive
 - May not unreasonably burden the other party
 - Offered free of charge
- Remedies
 - Provided to complainant
 - Designed to restore or preserve equal action to the recipient's program or activity
 - May include supportive measures
 - Provided AFTER determination of responsibility is made
- Disciplinary Sanctions
 - Taken against respondent
 - Designed to restore or preserve equal action to the recipient's program or activity
 - Taken AFTER determination of responsibility is made
- Long-Term Changes
 - Made to the recipient's program as necessary
 - Designed to ensure equal action to the recipient's program or activity

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READILY

available and accessible

- Contact information
 - Phone number
 - Office address, AND
 - email
- Prominently displayed
 - on their website
 - in ALL of the following that are given to current or prospective students or employees:
 - catalogs
 - handbooks
 - etc.

MUST BE TRAINED ON

- Definition of Title IX Sexual Harassment
- Scope of the education program/activity
- Recipient's grievance process
- Conducting an investigation
 - Recipient's definition of consent
 - Which standard of evidence
 - Impartiality
 - Not prejudging facts
 - Avoiding conflicts of interest
 - Avoiding bias
- If the recipient is providing them:
 - Hearings
 - Informal resolutions
- Appeals

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